

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NOEL STUERTZ,)	
)	
Plaintiff,)	Case No. 21-cv-6039
)	
v.)	Removal from the Circuit Court of Lake
)	County, Illinois
HORIZON THERAPEUTICS USA, INC.)	
)	Case No.: 21-CH-00396
Defendant.)	

NOTICE OF REMOVAL

Defendant HORIZON THERAPEUTICS USA, INC. (“Horizon”), f/n/a Horizon Pharma USA, Inc., hereby notifies this Court of the removal of the above-entitled action from the Circuit Court of Lake County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division, under 28 U.S.C. §§ 1331, 1441, and 1446, and states as follows:

1. Removal to this Court is based upon federal-question jurisdiction under 28 U.S.C. §1331, and the action is removable under 28 U.S.C. §1441(a).
2. On November 10, 2021, Plaintiff served Horizon’s registered agent for service of process with copies of a summons and Plaintiff’s Verified Complaint at Law (“Complaint”), Emergency Motion for Temporary Restraining Order and Preliminary Injunction to Enjoin Respondent Taking Any Further Adverse Employment Actions (hereinafter “Plaintiff’s Motion for TRO”), and Plaintiff’s Notice of Emergency Motion.
3. Plaintiff’s Complaint includes a stamp indicating that Plaintiff had filed it in the Circuit Court of Lake County, Illinois on November 5, 2021. Plaintiff’s Complaint was assigned Case No. 21-CH-00396.

4. The Complaint purports to assert three causes of action: (1) violation of the Illinois Health Care Rights of Conscience Act, 745 ILCS 70 (Count I); (2) violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et seq.*; (Count II) and (3) violation of the Emergency Use Authorization Provision of the United States Code, 21 U.S.C. §360bbb-3, *et seq.*

5. Copies of all state court process, pleadings, and orders served on Horizon are attached hereto as Exhibit A. *See* 28 U.S.C. § 1446(a).

6. This Notice of Removal is filed within thirty (30) days of the filing of the initial pleading, and within thirty (30) days after receipt by Defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based and in which a removable claim has been asserted. *See* 28 U.S.C. §1446 (b).

7. The action is of a wholly civil nature, over which the United States District Court for the Northern District of Illinois has original jurisdiction under 28 U.S.C. §1331. That Court has federal-question jurisdiction under 28 U.S.C. §1331 based on the allegations in the Complaint, through which Plaintiff has alleged claims arising under the laws of the United States, namely Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et seq.*, and the Emergency Use Authorization Provision of the United States Code, 21 U.S.C. §360bbb-3, *et seq.*, and may be removed under 28 U.S.C. §1441.

8. Accordingly, removal is appropriate under 28 U.S.C. § 1441 because all prerequisites for removal of this case to the United States District Court for the Northern District of Illinois are fulfilled.

9. The United States District Court for the Northern District of Illinois, Eastern Division is the federal judicial district embracing the Circuit Court of Lake County, Illinois, and venue is therefore proper in this judicial district under 28 U.S.C. § 1441(a).

10. Concurrent with the filing of this Notice of Removal, Horizon is filing a Notice of Filing of this Notice of Removal with the Clerk of the Circuit Court of Lake County, Illinois, and serving a copy on Plaintiff's counsel of record.

11. By the Notice of Removal, Horizon does not waive any objections it may have as to service, jurisdiction, or venue, or any other defenses or objections it may have to this action. Horizon does not intend any admission of fact, law, or liability by this Notice, and expressly reserve all defenses and motions.

WHEREFORE, Defendant respectfully notifies this Court of the removal of this action from the Circuit Court of Lake County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division.

DATED: November 11, 2021

Respectfully submitted,

By: /s/ Carol A. Poplawski
One of the Attorneys for Defendant
HORIZON THERAPEUTICS USA, INC.

Thomas E. Deer (ARDC # 6271002)
Carol A. Poplawski (ARDC # 6192132)
Taylor M. May (ARDC # 6333036)
**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**
155 North Wacker Drive, Suite 4300
Chicago, Illinois 60606
Telephone: 312.558.1220
Facsimile: 312.807.3619
thomas.deer@ogletree.com
carol.poplawski@ogletree.com
taylor.may@ogletree.com

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on November 11, 2021, she caused the foregoing *Notice of Removal* to be served by electronic mail upon the following attorneys for Plaintiff:

Robert J. Tomei Jr.
JOHNSTON TOEMI LENCZYCKI & GOLDBERG, LLC
350 N. Milwaukee Avenue, Suite 202
Libertyville, IL 60048
Rob@LawJTLG.com

Attorneys for Plaintiff

/s/ Carol A. Poplawski
One of the Attorneys for Defendant

49249444.1